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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,736	03/08/2001	Seiichi Matsui	0879-0303P	4772

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,736	MATSUI ET AL.	
	Examiner	Art Unit	
	James M. Hannett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 12-14, 20 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 23, 24 and 26-35 is/are allowed.
- 6) ☒ Claim(s) 9, 12-14, 20 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 9, 12-14, 20 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 9, 12-14, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,657,658 Takemura in view of USPN 6,285,398 Shinsky et al.

2: As for Claim 9, Takemura discloses an electronic camera, comprising; an imaging device which converts an optical image into an analog image signal (Fig. 6, image sensing means 101); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, CCD digital camera 1); a first buffer which stores the digital image signal outputted from the A/D converter as unprocessed image data because a first buffer is inherent when the image data obtained by the image taking means is displayed on the monitor prior to the inputting of finish setting values and the subsequent processing of the image data according to the setting values (Fig. 1, image data; col. 8, lines 22-46)., a signal processing device which processes the unprocessed image data read out from the first buffer into a processed image data in accordance with an image property parameter (col. 8, lines 32-37)., a second buffer which stores processed image data outputted from the signal processing device

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because a second buffer is implicit when reproducing processed image data on the monitor (col. 8, lines 35-37)., an image property setting device through which an instruction is inputted to change data of the image property parameter (col. 8, lines 32-35); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (Fig. 6, display/confirmation setting means 102). Furthermore, Takemura discloses displaying an unprocessed image, processing the unprocessed image according to a setting value, displaying the processed image on the display, enabling the user to determine if the processed image is acceptable, and instructing the end of setting if the processed image is acceptable (col. 8, lines 30-42). Takemura does not explicitly disclose the image property setting device and the signal processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied.

However, Official Notice is taken that it is old and well known in the art to repeatedly query a user in order to determine if a setting change is acceptable to a user (Takemura: col. 8, lines 37-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly

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changed image property parameter until the user is satisfied in order to determine if a setting change is acceptable to a user.

Takemura teaches all the features of the claimed invention, however, does not teach the method of compressing the processed image data and storing the compressed image data in a recording medium when the user indicates satisfaction.

Shinitsky et al teaches on Column 5, Lines 5-20 the use of a camera and computer system and teaches that it is advantageous to allow a camera system to compress captured images and the transmit them to a computer for storage and further processing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Takemura to allow the camera to perform image compression and transmission of the compressed image as taught by Shinitsky et al to a remote computer for storage and further processing. Furthermore, the examiner views the command of transmitting the image to the computer as being an indication that the user is satisfied fir the captured image.

3: In regards to Claim 12, Takemura further discloses the recording medium is a removable memory medium (col. 5, lines 35-44).

4: As for Claim 13, Takemura further discloses the imaging parameters include at lease one of white balance, gradation, brightness, tonality, and sharpness (Fig. 3).

5: In regards to Claim 14, Takemura teaches the claimed invention as discussed related to claim 13. However, Takemura does not disclose displaying on a display an image corresponding to the processed image date, the imaging parameters and at least one of histogram, average level, peak level, and bottom level of the processed image data.

Shinsky discloses a graphical user interface displays images captured by a CCD; provides the user with control inputs to adjust the contrast, brightness, and hue of the picture; and allows a user may view a histogram of the image (col. 9, lines 40-50). It is advantageous to allow a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings (col. 10, lines 54-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed on a display an image corresponding to the processed image data, the imaging parameters and at least one of histogram, average level, peak level, and bottom level of the processed image data to enable a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings.

6: As for Claim 20, Claim 20 is rejected for reasons discussed related to Claim 14.

7: In regards to Claim 25, Takemura in view of Shinsky et al teaches the claimed invention as discussed related to claim 9. However, Takemura in view of Shinsky et al does not teach that the camera can correct for defective pixels by replacing the defective pixel values with an interpolated new pixel value.

Official Notice is taken that it was notoriously well known in the art at the time the invention was made to enable cameras with a defective pixel correction process which allows the camera to replace defective pixel values with new more appropriate interpolated pixel values in order to improve image quality.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the imaging system of Takemura in view of Shinsky et al with a

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defective pixel correcting system which will replace defective pixel values with new more appropriate interpolated pixel values in order to improve image quality. Therefore, these new pixel values are viewed by the examiner as supplemental data that covers defective pixels.

Allowable Subject Matter

8: Claims 7, 8, 23, 24 and 26-35 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach the method of producing a new processed image in accordance with the corresponding changed image property parameter until the user is satisfied and an image represented by the new processed image data is displayed on the display wherein when the user is satisfied, the compression process device compresses image data image data corresponding to the processed image data displayed on the display and recording device stores the compressed data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612



JMH
June 15, 2006



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER